IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 8259 of 2001

Between:

Prakash Singh, Hindu, S/o. Kishanlal,
R/o. 13-2-39/1, Raheempura,
Mangalhot, Hyderabad.

..... PETITIONER

AND

1 Transmission Corporation of Andhra Pradesh Limited,
Rep. by its Managing Director,
Vidyut Soudha, Khairatabad, Hyderabad.
2 The Divisional Engineer, Electrical, Operation,
City IX, Central Power Distribution Company of A.P. Limited,
AP Transco, Begum Bazar, Hyderabad.
3 The Assistant Divisional Engineer, Distribution-III, City-IX,
Central Power Distribution Company of A.P. Limited, A.P. Transco.,
Seetharambagh, Hyderabad.
4 The Addl. Assistant Engineer, Operation, Central Power
Distribution Company of A.P. Limited, Yakatpura, Hyderabad.
5 The Inspector of Police, Vigilance, Anti Power Theft Station,
Team - I, Vidyut Soudha, Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the final assessment order No.DEE/OP/City.IX/F/D/.No.129/2001 dated 18.4.2001 of the 2nd respondent as highly illegal, arbitrary, unjust and contrary to the Condition Nos.39.4 and 39.9 of the Terms and Conditions of Supply and consequently set aside same.

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondents : Sri N.Subba Reddy, senior advocate for SMT.M.VINOBHA DEVI, S.C. for AP Transco.

The Court made the following :

O R D E R :

Heard Sri D.V. Nagarjuna Babu, learned counsel appearing for the petitioner and Sri N.Subba Reddy, learned senior counsel appearing for Smt. M.Vinobha Devi, Standing Counsel for the respondents.

The petitioner, who is a domestic consumer, seeks to assail the impugned orders passed by the second respondent on 18.04.2001 making assessment in regard to certain irregularities found against him. The main ground urged on behalf of the petitioner is that having regard to the Regulation 39.4 of the Terms and Conditions of Supply, the third respondent has no jurisdiction to make any such assessment or pass orders, and it is only the Divisional Engineer-Assessments, who is conferred with such power and the same could not have been passed.

The learned standing counsel appearing on behalf of the respondents submits that the third respondent, who is also Divisional Engineer, can as well pass such an assessment order.

Having considered the submissions made and on perusal of the material, it is seen that the disputed question as to whether the third respondent, though being a Divisional Engineer, has jurisdiction under Regulation 39.4, can as well be gone into by the authorities concerned in an appropriate appeal. Admittedly, the petitioner has not preferred any appeal against the said assessment order. There is no dispute about availability of such remedy of regular appeal before such appellate authority. In view of the same, I do not find any merits

to entertain the Writ Petition itself.

The Writ Petition is, accordingly, dismissed, with a liberty to the petitioner to prefer an appeal within a period of six weeks from today and raise all such objections including as to the competency and jurisdiction in regard to power to make assessment as per Regulation 39.4 of the Terms and Conditions of Supply, and the same shall be gone into and disposed of in accordance with law including all the aspects as urged by the petitioner. It is needless to mention that the interim stay granted by this Court in W.P.M.P. No. 10507 of 2001 dated 25.04.2004 shall continue to remain in operation till disposal of the appeal. The appeal, if preferred, shall be disposed of within a period of three months from the date of its filing after giving notice and opportunity to both sides.

(B.Prakash Rao, J.)

27.01.2005

DRK

Copy to:

1 The Managing Director, Transmission Corporation of Andhra Pradesh Limited, Vidyut Soudha, Khairatabad, Hyderabad.
2 The Divisional Engineer, Electrical, Operation,City IX, Central Power Distribution Company of A.P. Limited, AP Transco,
Begum Bazar, Hyderabad
3 The Assistant Divisional Engineer, Distribution-III, City-IX,
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6 Two CD copies.

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